



TOWNSHIP OF UPPER UWCHLAN
BOARD OF SUPERVISORS
REGULAR MEETING,
CONDITIONAL USE HEARING

April 25, 2016

7:00 p.m.

Approved

In Attendance:

Board of Supervisors

Guy A. Donatelli, Chair
Kevin C. Kerr, Vice-Chair
Jamie W. Goncharoff, Member

Kristin Camp, Esq. Township Solicitor
Arlene LaRosa, Court Stenographer

Township Administration

Cary B. Vargo, Township Manager
Gwen A. Jonik, Township Secretary
John DeMarco, Police Chief
Jill Bukata, Township Treasurer
Mike Heckman, Director of Public Works
Al Gaspari, Codes Administrator
Dave Leh, P.E., Township Engineer

Mr. Donatelli called the meeting to order at 7:10 p.m., led the Pledge of Allegiance, and offered a moment of silence.

Transportation Impact Fee Advisory Committee – Public Hearing

Mr. Donatelli advised the Transportation Impact Fee Advisory Committee (TIFAC) would proceed to hold a Hearing in order to receive public comment regarding updates to the Township's Transportation Capital Improvement Plan and Traffic Impact Fee. Following the Hearing, the Board would consider adopting the associated Ordinance and Resolution, which would approve the updated Plan and Fee.

TIFAC Advisors Natasha Manbeck and Chris Williams of McMahon Associates were in attendance, as were TIFAC members Bob Schoenberger, Bob McHugh, Dave Beideman, Neal Fisher, and Jason Xu. TIFAC members Sally Winterton and Joe Stoyack weren't able to attend.

Mrs. Manbeck provided a summary of the activities which have taken place over the past year beginning with updating the Township's Land Use Assumption Report (LUAR) which discusses where we are now and plans for estimated new development/re-development over the next 10 years. A Roadway Sufficiency Analysis (RSA) was completed, which again discusses existing and future traffic conditions, including pass-through traffic (outside factors) and development (traffic generated within the Township) and identifies intersections that are deficient in traffic service levels. The Transportation Study Area (TSA) was reviewed and revised to expand the area(s) that would be impacted by future development and would need to be modified or improved to provide an improved level of service. The Transportation Capital Improvement Plan (TCIP) was reviewed and updated with the increased study area, providing the increased level of service, and assign present day costs to accomplish the roadway improvements.

This updated Transportation Capital Improvement Plan totals \$14.3M in improvements, with Developers' costs estimated at \$9.6M. Pass-through traffic does account for some of the desired improvements but they are not funded at this time, such as 4 lanes for Route 100. All of the above-mentioned studies and analysis have resulted in a recommendation by the TIFAC to increase the Traffic Impact Fee (which is charged to the Developer for every new afternoon peak trip) from the current \$1,628.00/trip, which was adopted in 2002-2003 to \$2,334.00/trip for all new development (plans not yet filed or approved).

A citizen asked who pays the Traffic Impact Fee. Mrs. Manbeck replied that Developers pay the fee to the Township when they are developing / re-developing property.

Mr. Kerr extended the Board's appreciation to the TIFAC for their participation in this process, especially Jason Xu, a student in Downingtown's STEM Program, and Mr. Donatelli closed the Hearing.

Following brief discussion, Mr. Kerr moved, seconded by Mr. Goncharoff, to adopt Resolution #04-25-16-04, which approves the Roadway Sufficiency Analysis Report dated March 18, 2016, as recommended by the TIFAC. The Motion carried unanimously.

Mr. Kerr moved, seconded by Mr. Goncharoff, to adopt Resolution #04-25-16-05, which approves the Transportation Capital Improvements Plan dated March 2016, as recommended by the TIFAC. The Motion carried unanimously.

Mr. Kerr moved, seconded by Mr. Goncharoff, to adopt Ordinance #2016-04, which approves increasing the Traffic Impact Fee to \$2,334.00 per trip and expands the Transportation Service Area, as recommended by the TIFAC. The Motion carried unanimously.

Approval of Minutes

Mr. Kerr moved, seconded by Mr. Goncharoff, to approve as presented the minutes of the March 8, 2016 Board of Supervisors Workshop and March 21, 2016 Board of Supervisors Meeting and Conditional Use Hearing. The Motion carried unanimously.

Approval of Payments

Mr. Kerr moved, seconded by Mr. Goncharoff, to approve the payments to all vendors listed April 15, 2016. The Motion carried unanimously.

Treasurer's Report

Jill Bukata reported the balance sheet remains strong, year to date revenues are \$1,990,987 (27.7% of budget) and year to date expenses are \$1,278,480 (20.7% of budget). First quarter Earned Income Tax receipts are \$60,000 higher than first quarter 2015.

Supervisor's Report

Mr. Donatelli announced an Executive Session was held earlier this evening regarding personnel. He read the following calendar: May 10, 2016 4:00 PM Board of Supervisors Workshop; May 16, 2016 7:00 PM Board of Supervisors Meeting; June 18, 2016 6:00 PM 8th Annual Upper Uwchlan Township Block Party; Yard Waste Collection Dates April 27, May 4, May 11, May 18, and May 25. Do not use plastic bags for yard waste disposal. Use open containers (no lids attached) or biodegradable bags. Place materials curbside the night before to guarantee collection.

Administration Reports

Township Engineer's Report

Dave Leh reported that the revised Frame Property ("Reserve at Chester Springs") Land Development Plan is under review to assure all outstanding Consultant comments have been addressed and the Windsor Ridge Maintenance Bond punch list was generated and distributed.

Building and Codes Department Report

Al Gaspari reported that 38 building permits were issued last month, totaling \$9,000 in permit fees, Wawa's store renovations are on schedule, and the Department will be inspecting the Phase II sanitary sewer lateral connection installations in the coming months.

Police Chief's Report

Chief DeMarco reported 1,218 incidents were logged last month. Chief DeMarco advised that with the replacement of the County's Radio System, we have a surplus of old radios that can no longer be used. A company in New York has offered \$1,070.00 for these radios. Chief DeMarco requested the Board's approval to sell the radios for \$1,070.00. Mr. Donatelli moved, seconded by Mr. Kerr, to approve the sale. The Motion carried unanimously.

Chief DeMarco advised an Accreditation Assessment was conducted earlier this month and at a ceremony in July, the Department will be recommended for Accreditation. The Board congratulated the Department for this achievement.

Steve Senn commented that vehicles are running the stop sign at Susan Drive and Township Line Road.

Public Works Department Report

Mike Heckman reported the Department has accomplished storm water inlet cleaning and repairs, paving activities at Fellowship Fields, renovating the restrooms at Hickory Park, grass mowing activity has started, however 1 more seasonal employee is needed. The new mechanic/road crew, Jeffrey Giannini started last week.

Mr. Heckman reported bids were received and opened April 12, 2016 for the 2016 road materials contracts. Allan Myers was the low bidder for hot mix bituminous concrete at \$43,733.25 and warm mix at \$6,100. New Enterprise was the low bidder for coarse aggregate materials, at \$2,760. Mr. Heckman recommended the Board award the Contracts as described above. Mr. Donatelli moved, seconded by Mr. Goncharoff, to award the Hot Mix and Warm Mix Contracts to Allan Myers and the Coarse Aggregate Contract to New Enterprise. The Motion carried unanimously.

Land Development

Cary Vargo advised that following Conditional Use and Land Development approvals for the Gunner Properties 40 townhouse project at 270-290 Park Road, the Developer needed to acquire public sewer treatment and disposal capacity. The project is within the Act 537 approved area of the Village of Eagle. The Developer sought approval for 7,400 gallons per day and in so doing, prioritized this project ahead of capacity needed for a commercial project in the Village. Following discussion by the Municipal Authority and with ARRO, it is recommended that the 7,400 gpd wastewater treatment and disposal capacity be granted. Mr. Goncharoff moved, seconded by Mr. Kerr, to grant the 7,400 gpd treatment and disposal capacity to Gunner Properties for the 270-290 Park Road townhouse project. The Motion carried unanimously.

ADMINISTRATION

Cary Vargo asked the Board to adopt a Resolution that approves submission of a traffic signal improvement plan application to PennDOT for the intersection of Park Road and Route 100. The Township is connecting the trail along Route 100 from Upland Farm to Park Road, which will require accommodations for pedestrian traffic and ADA compliant facilities at that intersection. The project will also connect the trail along Little Conestoga Road from Marsh Creek Signs to Park Road. Mr. Goncharoff moved, seconded by Mr. Kerr, to adopt Resolution #04-25-16-06 which authorizes the signal improvement plan submission to PennDOT. The Motion carried unanimously.

Mr. Vargo asked the Board to adopt a Resolution authorizing Mr. Vargo to execute documents for FEMA reimbursement for \$81,000 for expenses incurred during Winter Storm Jonas (January 22-23, 2016). Jill Bukata attended the briefing and is preparing the appropriate documentation. Mr. Goncharoff moved, seconded by Mr. Kerr, to adopt Resolution #04-25-16-07 for the purposes described above. The Motion carried unanimously.

Cary Vargo asked the Board to adopt a Resolution authorizing the submission to PaDEP of a Sewage Facility Planning Module for Open Community Corp.'s (Uppatinas) subdivision for 2 new single-family lots on Greenridge Road. ARRO is assisting with the completion of the Module in preparation of the submission to DEP. Mr. Kerr moved, seconded by Mr. Goncharoff, to adopt Resolution #04-25-16-08, authorizing the Sewage Planning Module submission to PaDEP. The Motion carried unanimously.

Open Session

There were no comments offered.

There being no further regular business to be brought before the Board, Mr. Donatelli adjourned the business meeting at 7:35 p.m. and announced a 10-minute recess to set up for the Conditional Use Hearing.

Conditional Use Hearing – Applicant: The Hankin Group

re: Manufacturing Use on Eagleview Corporate Center Lot #1

Mr. Donatelli reconvened the evening at 7:46 p.m. Approximately 50 citizens were in attendance. Mr. Donatelli briefed the crowd on the status of this Application. Two hearings have been held. The Applicant provided all their testimony and called expert witnesses. Tonight's hearing was scheduled for the Parties of Status, Steve McNaughton and Joanne McNaughton, to present their testimony and call expert witnesses. The same rules and process will be followed as during the previous hearings.

Mr. Donatelli asked Township Solicitor, Kristin Camp, Esq., to proceed to conduct the Hearing. Court Stenographer, Arlene LaRosa, recorded the proceedings. Ms. Camp summarized the Application, that the Hankin Group is seeking approval to allow a manufacturing use (DSM Biomedical producing silicone hydrogels, the base materials for contact lenses) on Sierra Drive in Eagleview Corporate Center Lot #1. Hearings were held March 21, 2016, continued on the Record April 7, 2016, and continued on the Record this evening.

Ms. Camp marked Board of Supervisors' Exhibit B-10 – Affidavit of Property Posting

Ms. Camp advised the audience that the McNaughtons would present their testimony and evidence this evening and once they conclude their case, the Board of Supervisors has 45 days to render a decision, which must take place at a public meeting. Steve McNaughton and Joanne McNaughton were sworn in by Arlene LaRosa, and proceeded to present their testimony and evidence via a projected slideshow.

It was determined the entire slideshow presentation CD will be marked McNaughton Exhibit M-5, which will be provided to the Stenographer, Kristin Camp and the Applicant's counsel, Mike Malloy.

The McNaughton's testimony/presentation, in summary, focused on the following: improper notice of the March 21, 2016 Hearing; public notice text was unclear as to what material would be manufactured; the use isn't compliant with existing zoning codes as not all materials will be consumed on premises; chemicals used in the process or to clean the equipment are not safe and threaten the health, safety and welfare of the community; DSM's Berkeley, California, plant production results in a large quantity of hazardous waste; there are hundreds of chemicals that will be on-site for manufacturing and/or cleaning purposes; acetone, which will be used for cleaning purposes, is a dangerous product.

During points in his presentation, Steve McNaughton questioned Al Gaspari, Township Codes Administrator; David Leh, P.E., Township Civil Engineer; Cary Vargo, Township Manager.

Documents were provided to the Board, Ms. Camp and Mr. Malloy as they arose within the slideshow. Ms. Camp advised the McNaughtons that each handout needs to be marked as an Exhibit. McNaughton Exhibits 6 – 18 were distributed over the course of the evening.

Mr. Donatelli advised that as it was 9:30 p.m., a 10-minute recess would be taken, and the evening would conclude at 10:30/11:00 if not before.

Mr. Goncharoff asked Ms. Camp if she could send the Board an opinion as to how this presentation is to be considered by the Board. Can it be considered 'expert testimony' as some of it was prints of publications, websites, etc.? Ms. Camp will do so.

Mr. Donatelli reconvened the Hearing at 9:41 p.m. Mr. McNaughton continued with his presentation until 10:30 p.m., at which time Mr. Donatelli asked how much more time Mr. McNaughton would require in order to complete his testimony. When he estimated another hour or so, Mr. Donatelli suggested the Hearing be continued to another evening.

Following discussion off the Record to determine the next Hearing date, Kristin Camp announced on the Record that the Hearing would be continued to Wednesday, May 11, 2016, 7:00 p.m., at the Township Building.

Mr. Donatelli adjourned the evening at 10:42 p.m.

Respectfully submitted,

Gwen A. Jonik
Township Secretary